

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

HENRY L. WALLER, JR.,

Plaintiff,

v.

MICHAEL P. RANDLE, JR., *et al.*,

Defendants.

Case No. 10-cv-495-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on its own initiative for purposes of case management. Specifically, the Court is concerned with Plaintiff Henry Waller's failure to respond to Defendants' Motion to Dismiss (Doc. 38) and Memorandum in Support Thereof (Doc. 39).

Pursuant to Local Rule 7.1(c), Waller's response was due thirty days after said motion was served, but thirty days have passed and Waller has not responded. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. S.D. Ill. L. R. 7.1(c).

Being fully advised of the premises, the Court hereby **ORDERS** Waller to **SHOW CAUSE** on or before **November 19, 2010**, why the Court should not construe his failure to timely respond to Defendants' dismissal motion as an admission of its merits and grant the relief sought accordingly.

IT IS SO ORDERED.
DATED: November 4, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE